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October 13, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

RE: IB Docket No. 95-91 and GEN Docket No. 90-357

Dear Mr. Caton:

Transmitted herewith for filing with the Commission on behalf of Loral/QUALCOMM Partnership, L.P. are an original and five copies of its "Reply Comments" in the above-referenced proceedings.

Should there be any questions regarding this matter, please communicate with this office.

Respectfully submitted,

William D. Wallace

Enclosures

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Establishment of Rules and Policies	)	IB Docket No. 95-91
for the Digital Audio Radio	)	GEN Docket No. 90-357
Satellite Service in the	)	
2310-2360 MHz Frequency Band	)	
	)	

To: The Commission

REPLY COMMENTS
OF LORAL/QUALCOMM PARTNERSHIP, L.P.

Pursuant to Section 1.415 of the Commission's Rules, Loral/QUALCOMM Partnership, L.P. (LQP), by its undersigned attorneys, submits these reply comments to the comments on the Notice of Proposed Rulemaking, FCC 95-229 (released June 15, 1995), which proposed service and licensing rules for the Satellite Digital Audio Radio Service (DARS).[1]

1. NPRM Feeder Link Proposal. Few comments were submitted regarding feeder uplinks for Satellite DARS systems and only one party actually supported the Commission's proposal to assign feeder links for Satellite DARS licensees in the 7025-7075 MHz band. See NPRM, ¶¶ 72-75. Satellite DARS

[1] LQP is licensed to construct, launch and operate a low-earth orbiting satellite system in the Mobile-Satellite Service Above 1 GHz. See Order and Authorization, 10 FCC Rcd 2333 (1995). LQP has a direct interest in this proceeding because it has requested assignment of the 6875-7075 MHz band for its feeder downlinks, and has been authorized to commence construction of its satellites, at its own risk, to use those frequencies. See id. at 2336.

applicants CD Radio, Primosphere and Digital Satellite each reiterated their requests for use of specific feeder link frequencies. See CD Radio Comments, at 98-99; Primosphere Comments, at 44; Digital Satellite B/C Corp. Comments, at 51. But, only Primosphere supported the proposal in the NPRM, which is consistent with Primosphere's feeder link request in its Satellite DARS application.[2]

Based on this lack of support for the proposal, the Commission should consider adopting another procedure for assigning feeder links to Satellite DARS systems. For example, individual assignments to each current Satellite DARS applicant of its preferred feeder link frequencies may prove more feasible than forcing all to use the 7025-7075 MHz band. See CD Radio Comments, at 98 (recommending feeder link assignments in "non-congested" frequencies).

Consideration of such an alternative procedure is particularly worthwhile because the 7025-7075 MHz band has been earmarked for other uses for which technical standards and processing are nearly complete. As the Commission is well aware, the existing plans for use of the 7025-7075 MHz band are "to support current and immediate requirements of mobile-satellite services provided from non-geostationary satellite networks." United States Proposals for the 1995 World Radiocommunication Conference, at 170 (July 1995). Revisions to the International Table of Frequency Allocations will be considered at the 1995 World

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[2] The National Association of Broadcasters suggested that other frequency bands be used based on its concern that Satellite DARS feeder links may cause interference to broadcast auxiliary stations which may migrate from the 2 GHz band to the 7 GHz band. NAB Comments, at 62.

Radiocommunication Conference (WRC-95) to make the 6650-7075 MHz band available for this purpose. Thus, the Commission has already identified a use for the 7025-7075 MHz band, which the NGSO MSS satellite industry supports. Neither the NPRM nor the comments provide any analysis which indicates that increasing the congestion in this band by forcing all Satellite DARS feeder links to use these frequencies is a workable policy choice.

2. Sharing Studies. Moreover, it appears premature at this time to adopt any procedure which would assign all potential Satellite DARS systems to the 7025-7075 MHz band for feeder uplinks, pending demonstration by the Satellite DARS applicants that they can share with existing uses, including NGSO MSS feeder links. The applicant proposing to use the 7025-7075 MHz band for feeder links suggests that further studies are necessary to determine whether sharing with NGSO MSS feeder links is feasible. Primosphere Comments, at 44 n. 94.

However, to the extent such studies may hinder the progress of Big LEO systems and assignment of feeder links, this suggestion must be rejected. The Commission has already adopted service and technical rules for MSS Above 1 GHz,[3] and licensed one system which plans to use the 6/7 GHz band in reverse-band working (RBW) for feeder downlinks.[4] The Big LEO systems proposing to use C-band feeder links should be granted unconditional feeder link assignments

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[3] MSS Above 1 GHz Report and Order, 9 FCC Rcd 5936 (1994).

[4] Loral/QUALCOMM Partnership, L.P., 10 FCC Rcd 2333, 2336 (1995).

immediately after the conclusion of WRC-95 in order to bring new and beneficial services to the public as quickly as possible. See MSS Above 1 GHz Report and Order, 9 FCC Rcd at 5940-41. As a later processing group, Satellite DARS applicants should bear the risk of meeting sharing constraints developed through sharing studies for the 7025-7075 MHz band.

As LQP pointed out in its initial comments, the WRC-95 Conference Preparatory Meeting studied bidirectional sharing between geostationary and non-geostationary satellite system feeder links and determined that such sharing is technically feasible, given possible coordination of the number and siting of gateway earth stations. LQP Comments, at 2. The United States Proposals also include a recommended PFD limit at the geostationary arc to facilitate sharing between GSO and NGSO systems in these bands. See U.S. Proposals, at 170-72.

However, these studies were conducted using technical parameters for Fixed-Satellite Services (FSS) systems rather than Satellite DARS systems. Therefore, in order to benefit from the conclusion of these analyses that sharing is feasible, any Satellite DARS applicant which is permitted to use the 7025-7075 MHz band must be required to operate within the sharing constraints adopted at WRC-95 for sharing between GSO FSS and NGSO MSS systems. Additional sharing studies between Satellite DARS and NGSO MSS feeder links may be useful to improve the sharing scenario, but should not be allowed to stand in the way of assignment of feeder links to Big LEO systems.

3. Impact of WRC-95. LQP supports the United States Proposals to WRC-95 for the 6650-7075 MHz band with respect to RBW for NGSO MSS feeder links. However, the outcome of the proposals for the 6/7 GHz band will not be known until after WRC-95.[5] Assuming that WRC-95 makes the 6/7 GHz band available for NGSO MSS feeder downlinks with appropriate sharing constraints, LQP plans to seek unconditional assignment of feeder downlinks in the 6/7 GHz band for GLOBALSTAR. The Commission has indicated that, if sufficient feeder link spectrum is made available at WRC-95, GLOBALSTAR's conditional link assignments will be made unconditional. See MSS Above 1 GHz Report and Order, 9 FCC Rcd at 5998.

Accordingly, LQP recommends that the Commission defer any action on feeder links for Satellite DARS until after the results of WRC-95 are known. Moreover, if coordination is required between NGSO MSS and Satellite DARS feeder links, then the Commission should direct those Satellite DARS applicants which seek to use the 6/7 GHz band for feeder links to coordinate, as necessary,

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[5] The Russian Federation has proposed a bidirectional allocation for NGSO MSS feeder links in the 7025-7075 MHz band for consideration at WRC-95. See Russian Federation, "Proposals for the Work of the Conference," Doc. CMR95/7-E, at 14-15 (July 13, 1995). If adopted, such an allocation would further complicate the sharing analysis, emphasizing the need to defer action on the proposal for Satellite DARS until after the conclusion of WRC-95.

with LQP and any other NGSO MSS licensee assigned feeder links in the band so as to ensure that this schedule for MSS Above 1 GHz licensees is maintained.

Respectfully submitted,

LORAL/QUALCOMM PARTNERSHIP, L.P.

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Its Attorneys

Date: October 13, 1995

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 13th day of October 1995, caused copies of the foregoing Reply Comments of Loral/QUALCOMM Partnership, L.P. to be delivered via hand delivery to the following:

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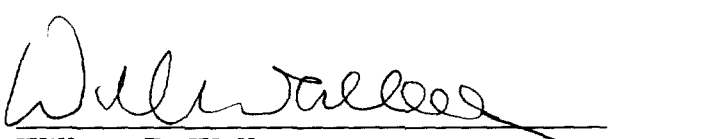

William D. Wallace